

IN THE CLAIMS

For the convenience of the Examiner, all pending claims of the present Application are shown below whether or not an amendment has been made.

Please amend the claims as follows.

1. **(Currently amended)** A method of communicating data between a client and a server comprising:

initiating a participating application for transmitting packets between a client and a server, wherein the participating application participates in a transport protocol;

initiating ~~establishing~~ a non-participating application for transmitting packets between the client and the server ~~a server~~, wherein the non-participating application does not participate in the transport protocol; ~~and~~

~~determining whether to transmit a packet from the client to the server using the participating application or the non-participating application.~~

determining whether a quad of a packet is in a list of non-participating connections to the server;

in response to determining that the quad of the packet is in the list, transmitting the packet on a non-participating path through the non-participating application; and

in response to determining that the quad of the packet is not in the list, transmitting the packet on a participating path through the participating application.

2. **(Canceled)**

3. **(Currently amended)** The method of Claim 1, wherein the non-participating application comprises an application that does not acknowledge packets transmitted by the non-participating application.

4. **(Currently amended)** The method of Claim 1, wherein the non-participating application comprises an application that does not check a checksum of packets transmitted by the non-participating application.

5. (Currently amended) The method of Claim 1, wherein the non-participating application comprises an application that modifies a packet header of packets transmitted by the non-participating application.

6. (Currently amended) The method of Claim 1, ~~wherein determining whether to transmit a packet from the client to the server comprises~~ further comprising determining whether to add a quad associated with the client to the list ~~transmit a packet from the client to the server using the participating application or the non-participating application~~ based on a security status of the client.

7. (Currently amended) A system for communicating data between a client and a server comprising:

a client; ~~client~~,

a server; ~~server~~,

a memory operable to store a list of quads, wherein each quad is associated with a non-participating connection between one of a plurality of clients and the server;

a participating application, operable to transmit packets from the client to the server using a transport protocol;

a non-participating application, operable to transmit packets from the client to the server without using the transport protocol, and

an intercepting controller, ~~operable to~~ operable to:

~~determine whether to transmit a packet from the client to the server using the participating application or the non-participating application~~

determine whether a quad of a packet is in the list;

in response to determining that the quad of the packet is in the list, transmit the packet on a non-participating path through the non-participating application; and

in response to determining that the quad of the packet is not in the list, transmit the packet on a participating path through the participating application.

8. (Canceled)

9. (Currently amended) The system of Claim 7, wherein the non-participating application comprises an application that does not acknowledge packets transmitted by the non-participating application.

10. (Currently amended) The system of Claim 7, wherein the non-participating application comprises an application that does not check a checksum of packets transmitted by the non-participating application.

11. **(Currently amended)** The system of Claim 7, wherein the non-participating application comprises an application that modifies a packet header of packets transmitted by the non-participating application.

12. **(Currently amended)** The system of Claim 7, wherein the intercepting controller is further operable to determine whether to add a quad associated with a particular one of the plurality of clients to the list ~~transmit a packet from the client to the server by determining whether to transmit a packet from the client to the server using the participating application or the non-participating application~~ based on a security status of the particular client.

13. **(Currently amended)** An apparatus for communicating data between a client and a server comprising:

a memory operable to store a list of quads, wherein each quad is associated with a non-participating connection between one of a plurality of clients and the server;

a participating application, operable to transmit packets from a client to a server using a transport protocol;

a non-participating application, operable to transmit packets from the client to the server without using the transport protocol, and

an intercepting controller, ~~operable to~~ **operable to:**

~~determine whether to transmit a packet from the client to the server using the participating application or the non-participating application~~

determine whether a quad of a packet is in the list; and

in response to determining that the quad of the packet is in the list, transmit the packet on the non-participating path.

14. **(Canceled)**

15. **(Currently amended)** The apparatus of Claim 13, wherein the non-participating application **comprises an application that** does not acknowledge packets transmitted by the non-participating application.

16. **(Currently amended)** The apparatus of Claim 13, wherein the non-participating application **comprises an application that** does not check a checksum of packets transmitted by the non-participating application.

17. **(Currently amended)** The apparatus of Claim 13, wherein the non-participating application **comprises an application that** modifies a packet header of packets transmitted by the non-participating application.

18. (Currently amended) The apparatus of Claim 13, wherein the intercepting controller is further operable to ~~determining whether to transmit a packet from the client to the server comprises determining~~ determine whether to add a quad associated with a particular one of the plurality of clients to the list ~~transmit a packet from the client to the server using the participating application or the non-participating application~~ based on a security status of the client.

19. (Currently amended) A computer program product for transmitting packets between a client and a server, the computer program product being embodied in stored-on a computer readable medium, ~~the computer program operable to and comprising instructions for:~~

initiating ~~initiate~~ a participating application for transmitting packets between a client and a server, wherein the participating application participates in a transport protocol;

initiating ~~establish~~ a non-participating application for transmitting packets between the client and the server ~~a server~~, wherein the non-participating application does not participate in the transport protocol; and

~~determine whether to transmit a packet from the client to the server using the participating application or the non-participating application.~~

determining whether a quad of a packet is in a list of non-participating connections to the server;

in response to determining that the quad of the packet is in the list, transmitting the packet on a non-participating path through the non-participating application; and

in response to determining that the quad of the packet is not in the list, transmitting the packet on a participating path through the participating application.

20. (Canceled)

21. (Currently amended) The computer program product of Claim 19, wherein the non-participating application comprises an application that does not acknowledge packets transmitted by the non-participating application.

22. (Currently amended) The computer program product of Claim 19, wherein the non-participating application comprises an application that does not check a checksum of packets transmitted by the non-participating application.

23. (Currently amended) The computer program product of Claim 19, wherein the non-participating application comprises an application that modifies a packet header of packets transmitted by the non-participating application.

24. (Currently amended) The computer program product of Claim 19, wherein the computer program product further comprises instructions for determining ~~is further operable to determine~~ whether to add a quad associated with the client to the list ~~transmit a packet from the client to the server by determining whether to transmit a packet from the client to the server using the participating application or the non-participating application~~ based on a security status of the client.

25. **(Currently amended)** A system for communicating data between a client and a server comprising:

means for initiating a participating application for transmitting packets between a client and a server, wherein the participating application participates in a transport protocol;

means for **initiating establishing** a non-participating application for transmitting packets between the client and **the server** ~~a server~~, wherein the non-participating application does not participate in the transport protocol; ~~and~~

~~means for determining whether to transmit a packet from the client to the server using the participating application or the non-participating application.~~

means for determining whether a quad of a packet is in a list of non-participating connections to the server;

means for transmitting the packet on a non-participating path through the non-participating application in response to determining that the quad of the packet is in the list; and

means for transmitting the packet on a participating path through the participating application in response to determining that the quad of the packet is not in the list.